MUSKIE SAYS F.B.I. SPIED AT RALLIES ON '70 EARTH DAY

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Tells Senate That Report on Gathering in Washington Took Note of His Talk

WHITE HOUSE COMMENT

Press Aide Says President Finds the Surveillance of Citizens 'Repugnant'

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Special to The New York Times

WASHINGTON, April 14 — Senator Edmund S. Muskie charged today that the Federal Bureau of Investigation conducted widespread surveillance of last year's antipollution rallies on Earth Day, including his own appearance before a Washington meeting.

In support of his charge, the Maine Democrat made public an F.B.I. intelligence report on the Earth Day rally in Washington on April 22, 1970. The long report, written on Department of Justice stationery, noted that Senator Muskie arrived shortly after 8 P.M. and "gave a short antipollution speech."

'A Dangerous Threat'

In a Senate speech today Senator Muskie said he understood that there were 40 to 60 F.B.I. reports on other Earth Day rallies around the nation last April and that at least one Senator and probably others had been subjected to surveillance for their participation in the rallies.

Describing such surveillance as "intolerable in a free society" and "a dangerous threat to fundamental constitutional rights," the Senator asked:

"If there was widespread surveillance over Earth Day last year, is there any political activity in the country which the F.B.I. does not consider a legitimate subject for watching? If antipollution rallies are a subject of intelligence concern, is anything immune? Is there any citizen involved in politics who is not a potential subject for an F.B.I. dossier?"

F.B.I Declines Comment

Neither the Justice Department nor the F.B.I. had any immediate comment on the Muskie speech, which fits into a growing Congressional pattern of criticism of the F.B.I. and its director, J. Edgar Hoover. Senator Muskie, an unannounced candidate for the Democratic Presidential nomination, has previously called for the retirement of Mr. Hoover and today he attacked the bureau's methods of operation.

At the White House, the Presidential press secretary, Ronald L. Ziegler, when questioned about the Muskie speech, said that "snooping or surveillance of private citizens is totally repugnant" to President Nixon. Throughout the questioning by reporters, however, a sometimes indignant Mr. Ziegler seemed to be drawing a distinction between Administration policy on surveillance and F.B.I. activities.

While saying that he did not know if the F.B.I. had monitored Earth Day activities, he

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said if the F.B.I. had, it was "not for the surveillance of Earth Day activities on the Administration's behalf."

In response to a question, Mr. Ziegler said it would be inconsistent with Administration policy if the bureau had monitored private citizens at the rallies. But, he went on to say that there was no indication that the F.B.I. had conducted itself contrary to Administration policy and he offered the supposition that if they were present, the bureau's agents were carrying out their "normal duties."

Mr. Ziegler described himself as "exercised" over the Muskie speech as well as recent statements by Representative Hale Boggs, the House majority leader, charging that the F.B.I. was tapping the telephone lines of some members of Congress.

Such statements, he complained, were "aimed at getting big headlines" and left "a totally misleading impression" about Administration policy on surveillance.

In his speech, delivered before a virtually empty Senate chamber, Senator Muskie proposed the creation of a domestic intelligence review board, composed of prominent members of Government intelligence agencies, Congress, the judiciary and the bar, to supervise the domestic intelligence activities of the F.B.I. and other agencies as well as to recommend executive orders and legislation "required to curb the unnecessary use of surveillance in our society."

Senator Muskie did not say where he had obtained the F.B.I. report, except to state that it was "in no way connected" with documents stolen from an F.B.I. district office in Media, Pa. A spokesman for Mr. Muskie would say only that the report came from "a third party."

The report, dated June 10, 1970, was, a footnote indicates, apparently distributed among other Government agencies. It includes a chronology of the preparations for the Earth Day rally, lists the individuals involved and gives a detailed description of the songs sung, speeches made and signs carried at the rally. Senator Muskie figured only briefly in the report.

Attached to the report were two appendixes, one describing the Students for a Democratic Society, the other describing the Progressive Labor party. Senator Muskie said the "coincidence" of attaching the reports on the radical political organizations "underscores my concerns."

Mr. Muskie said:

"Here is a report that identifies me as a speaker to an Earth Day audience; describes certain other speakers as having association with those far-left organizations, and then wraps it all up—all the concern and indignation people felt that

day about the spoiling of the American environment—with a brief outline of two radical political groups.

"This document is then distributed to various other intelligence organizations, and perhaps elsewhere. What is the inference?

"Unless one is accustomed to this kind of thing, and therefore hardened to it, the inference is that Earth Day, Senator Muskie and many thousands of Americans who gathered together to protest pollution were somehow related to S.D.S. and the Progressive Labor party. And that inference is hardly removed by the standard closing lines, 'This document contains neither recommendations nor conclusions of the F.B.I.'"

From the report, it appeared that the appendixes were attached to indentify the association of William Hobbs, editor of a newsletter published by the Environment News Cooperative of Takoma Park, Md.

Noting that the newsletter made its debut about a week before the rally, the report said that Mr. Hobbs, "according to another Government agency, was formerly associated with the Students for a Democratic Society at George Washington University, with the Southern Cristian Leadership Conference and was one of the prime movers in the Action Coordinating Committee to End Segregation in the Suburbs, better known as ACCESS."

At another point, the report noted that one of the persons attending a pre-rally news conference was Sammie Abbott, publicity director for the Emergency Committee on the Transportation Crisis, a foe of inner-city freeways. Mr. Abbott, the report said, "has been publicly indentified in the past as a Communist party leader" and his activities on behalf of the E.C.T.C. have led to local publicity and several arrests."

"Why," Mr. Muskie asked, "does the F.B.I. need to know who attended and what was said at Earth Day rallies across the nation?

"No crime or threat of crime was involved nor was any violence threatened. Even if our intelligence agencies believed that Earth Day might turn into a threat to our national security or a scene of violence requiring Federal troops, that would not justify a report about the rallies afterwards, when it was clear that no threat to our Government did occur. And why is the report of nonviolent and noncriminal events distributed to other agencies of our Federal Government?"